

E-FILED on 10/22/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEVE TRACHSEL; SUN CITY TOWERS, a
California corporation, LLC; THOMAS
CIRRITO; ATOCHA LAND, LLC, a Delaware
limited liability company; MICHAEL
CIRRITO; and CIRRITO HOLDINGS, LLC, a
Delaware limited liability company,

Plaintiffs,

v.

RONALD BUCHHOLZ; CHARICE
FISCHER; RDB DEVELOPMENT, LLC, a
Nevada limited liability company; SOLOMON
CAPITAL, INC., a Nevada corporation;
JONATHON VENTO; GRACE CAPITAL,
LLC dba GRACE COMMUNITIES, an
Arizona limited liability company; DONALD
ZELEZNAK; Z-LOFT, LLC, an Arizona
limited liability company; ZELEZNAK
PROPERTY MANAGEMENT, LLC, an
Arizona limited liability company; KELLER
WILLIAMS REALTY, INC., a Texas
corporation; and DOES 1 through 50,

Defendants.

No. C-08-02248 RMW


ORDER TO SHOW CAUSE

Plaintiffs Thomas Cirrito, Steve Trachsel, and Michael Cirrito, individuals, Atocha Land, LLC and Cirrito Holdings, LLC, Delaware limited liability companies, and Sun City Towers, LLC, a California corporation, brought this action relating to investments in a real estate project. On July

1 31, 2009, the court granted plaintiffs' then-counsel's motion to withdraw. The court ordered Sun
2 City Towers, LLC, Atocha Land, LLC, and Cirrito Holdings, LLC to retain new counsel and file a
3 notice of appearance by August 14, 2009 because as corporations they may only appear through a
4 member of the bar of this court. Civ. L. R. 3-9(b). Failure to comply with this order is an
5 appropriate ground for dismissal. *See Multi Denominational Ministry of Cannabis and Rastafari,*
6 *Inc. v. Gonzales*, 474 F. Supp. 2d 1133, 1141 (N.D. Cal. 2007) (dismissing claims brought by a
7 corporate plaintiff without attorney representation).

8 The court therefore orders Sun City Towers, LLC, Atocha Land, LLC, and Cirrito Holdings,
9 LLC to appear on November 20, 2009, and show cause why their complaint should not be dismissed
10 with prejudice for failure to retain new counsel by the court ordered deadline of August 14, 2009.

11
12
13 DATED: 10/22/09



RONALD M. WHYTE
United States District Judge

1 **A copy of this document has been mailed to:**

2 **Plaintiffs:**

3 Steve Trachsel
4 1225 Koch Lane
5 San Jose, CA 95125

6 Thomas Cirrito
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8 McLean, VA 22102

9 Michael Cirrito
10 3314 R Street NW
11 Washington, DC 20007

12 Sun City Towers, LLC
13 Steve Trachsel
14 1225 Koch Lane
15 San Jose, CA 95125

16 Atocha Land, LLC
17 Thomas Cirrito
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20 Cirriro Holdings, LLC
21 Michael Cirrito
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24 **Notice of this document has been electronically sent to:**

25 **Counsel for Defendants:**

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29 Counsel are responsible for distributing copies of this document to co-counsel that have not
30 registered for e-filing under the court's CM/ECF program.

31 **Dated:** 10/22/09

JAS
Chambers of Judge Whyte